

Notice of Allowability	Application No.	Applicant(s)
	10/661,477	SUGITA ET AL.
	Examiner Nikolas J. Uhlir	Art Unit 1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 09/15/2004.
2. The allowed claim(s) is/are 1-7, 9, 10, 14 and 15.
3. The drawings filed on 15 September 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 07/29/2004
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 10/20/2004.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Barner on 10/12/2004.

The application has been amended as follows:

- **Claim 1, line 5:** " is satisfied where d represents the depth of the recessed portions of the irregularity pattern and t represents the thickness of the magnetic layer formed on the recess portions, and the magnetic layer formed on the protruding portion of the irregularity pattern and the magnetic layer formed on the recessed portions of the irregularity pattern are connected with each other. " **has been deleted** and -- is satisfied where d represents the depth of the recessed portions of the irregularity pattern and t represents the thickness of the magnetic layer formed on the recess portions, the magnetic layer formed on the protruding portions of the irregularity pattern and the magnetic layer formed on the recessed portions of the irregularity pattern are connected with each other; and wherein the formula $0.01 \leq \delta / t < 0.5$ is satisfied and wherein further, δ represents the thickness of the magnetic layer of the side wall connecting the magnetic layer on the protruding portions and the magnetic layer on the recessed portions. -- **has been inserted therefor.**

- **Claim 10, line 5:** "represented by d and a thickness of the magnetic layer formed on the recessed portions is represented by t and $-0.004 \leq (t - d)/d \leq 0.1$. " **has been deleted** and -- represented by d and a thickness of the magnetic layer formed on the recessed portions is represented by t and $-0.004 \leq (t - d)/d \leq 0.1$; and wherein said magnetic layer comprises a connecting portion connecting the magnetic layer formed on the protruding portions of the irregularity pattern and the magnetic layer formed on the recessed portions of the irregularity pattern and wherein further, $0.01 \leq \delta / t < 0.5$, wherein δ represents the thickness of the connecting portion. -- **has been inserted therefor.**

- **Claims 8, and 11-13 have been cancelled**

Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance: The closest prior art to that of the instant invention are: 1) US2001/0028964 to Nagao; and 2) US6347016 to Ishida. While these references teach many of the applicants claimed limitations, they fail to teach or suggest the δ / t limitation required by all of the instant claims. Further, there is no teaching in the prior art that would motivate one of ordinary skill to modify the teachings of Nagao or Ishida so as to arrive at the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolas J. Uhlir whose telephone number is 571-272-1517. The examiner can normally be reached on Mon-Fri 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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D. S. NAKARANI
PRIMARY EXAMINER